

DATE: June 20, 2023

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00043
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Rubia's, LLC
Location: 2309 Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2023-00043 is a request to change the ownership of a restaurant at 2309 Mount Vernon Ave from Stomping Ground, LLC to Rubia's, LLC. The business plans to operate under the trade name of Rubia's and will specialize in tacos. No additional changes to the operation of the business are planned.

Background

City Council first approved Special Use Permit #2013-00092 in June 2014 for a restaurant with a one-space parking reduction. Previously, the building at this site had been used as an insurance agency. Most recently, in June 2015, staff administratively approved Special Use Permit #2015-00058 for a Change of Ownership from D&M, LLC to Stomping Ground, LLC. No complaints regarding the operation of the business or violations of Special Use Permit conditions have been recorded since the most recent Special Use Permit was approved in 2015.

Parking

Section 8-200(A)(17)(a) of the Zoning Ordinance requires restaurants in the enhanced transit area to provide a minimum of one parking space for every 1,000 square feet of floor area. There is also an outdoor seating area with 20 seats, all of which are exempt from additional parking requirements per Section 8-200(A)(17)(c) of the Zoning Ordinance. The minimum parking required for the 2,958 square foot restaurant would then be three parking spaces. However, a parking reduction of one space was provided via City Council's approval of Special Use Permit #2013-00092 so, pursuant to Condition #21, the applicant is required to provide two dedicated parking spaces for use by employees. These spaces are provided in the on-site driveway area located along the northern portion of the subject site.

Community Outreach

Public notice was provided through the City's eNews, via the City's website, and by posting a placard at the site. In addition, the Del Ray Citizens Association was sent an e-mail with

information about the current application. Staff has received no public comments regarding the request.

Staff Action

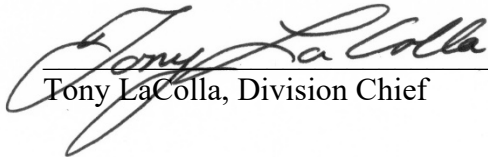
Staff does not object to the request for a change of ownership for the restaurant as one has operated successfully at this location for many years without negative impacts on the surrounding neighborhood.

Conditions have been carried forward and several Special Use Permit conditions have been updated to reflect new standard condition language for restaurant uses in the City. This includes amendments to Conditions #2, #3, #5, #7, #9, #10, #14, #15, #18, and #20. This also includes the addition of new Conditions #22, #23, #24, #25, #26, #27, #28, and #29. Finally, this also includes the deletion of Condition #19 regarding a security assessment to be conducted by the Police Department, as the City no longer requires this as part Special Use Permits associated with restaurants. Given that the applicant can provide two parking spaces on site and for consistency with other SUP uses, Condition #21 has been also deleted.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: June 20, 2023
Action: Approved


Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2023-00043

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP2013-00092)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the state building code ~~be 40~~. The maximum number of outdoor seats at the restaurant shall be 20 and shall not encroach into the public right-of-way. (P&Z) (SUP2013-00092)
3. **CONDITION AMENDED BY STAFF:** The hours of operation for outdoor seats shall be limited to between 6 a.m. and 10 p.m. daily. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. ~~may be sold, but no new patrons may be admitted after 10 p.m., and no new alcohol may be served and all patrons may be admitted after 10 p.m., and no new alcohol may be served and all patrons must leave the premises one hour after the closing hour~~ by 11 p.m. (P&Z) (SUP2013-00092)
4. **CONDITION AMENDED BY STAFF:** ~~The hours of operation for operation for outdoor seats shall be limited to between 6 a.m. to 10 p.m. daily. The outdoor dining area shall be closed of all customers by 10 p.m. daily.~~ The outdoor seating area shall not include ~~advertising~~ signage, including on umbrellas. (P&Z) (SUP2013-00092)
5. **CONDITION AMENDED BY STAFF:** ~~On-premises alcohol service may be offered but~~ and off-premises alcohol sales shall be prohibited ~~are permitted in compliance with Virginia ABC requirements.~~ (P&Z) (SUP2013-00092)
6. All façade improvements to the building, including any trellis, siding, or signage, shall be consistent with the Design Guidelines of the Mount Vernon Avenue Business Plan to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP2013-00092)
7. **CONDITION AMENDED BY STAFF:** ~~No Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance shall be permitted. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.~~ (P&Z) (SUP2013-00092)
8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP2013-00092)
9. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)

(SUP2013-00092)

10. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape, ~~and shall be stored inside or in closed containers which do not allow~~ invasion by animals, ~~or leaking~~. No trash or debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP2013-00092)
11. Landscaping shall be installed at the driveway, which is partially on-site, to improve its appearance and screen it from the adjacent city-owned parking lot to the satisfaction of the Director of Planning & Zoning, but shall not include the planting of trees and shall be subject to a separate agreement with the City to cover the installation and future maintenance. (P&Z) SUP2013-00092)
12. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z) (SUP2013-00092)
13. Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES) (SUP2013-00092)
14. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2013-00092)
15. **CONDITION AMENDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accordance with all local, state, and federal ordinances or regulations. (T&ES) (SUP2013-00092)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2013-00092)
17. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP2013-00092)
18. **CONDITION AMENDED BY STAFF:**The applicant shall require employees who drive to use off-street parking ~~and/or provide employees who use mass transit with subsidized bus and rail fare media.~~ The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2013-00092)

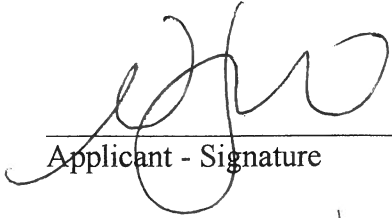
19. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (P&Z) (SUP2013-00092)~~
20. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2015-00058)
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide at least two dedicated parking for use by employees available during all hours of operation at a location acceptable by the Director of Planning and Zoning and the Director of Transportation and Environmental Services (P&Z) (T&ES) (SUP2013-00092)~~
22. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
23. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
24. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
25. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
26. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
27. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)

28. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)

29. **CONDITION ADDED BY STAFF:**The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00043. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2309 Mount Vernon Avenue.



Applicant - Signature

8/1/23
Date

Nicole Jones
Applicant - Printed

8/1/23
Date